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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

In re Applications of )  
Rainbow Broadcasting Company )  
WRBW )  
For Extension of Construction )  
Permit for New UHF Television )  
Station on Channel 65, Orlando, )  
Florida )

File No. BMPCT-910625KP

REC'D MASS MED BUR

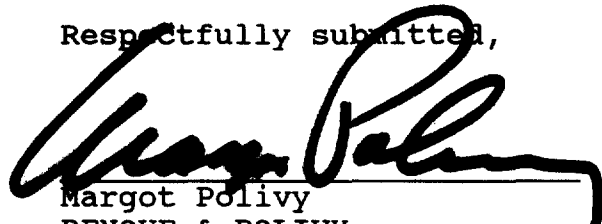
DEC - 2 1991

To: The Commission

SUPPLEMENT TO RAINBOW APPLICATION FOR BROADCAST CONSTRUCTION PERMIT VIDEO SERVICES

Rainbow Broadcasting Company submits the attached statement of Joseph Rey, as a supplement to its pending application for extension of its broadcast construction permit, File No. BMPCT-910625KP. As reflected in the attached statement of Mr. Rey, Rainbow is proceeding with construction and anticipates completion and the commencement of operation in accordance with the schedule it previously set forth to the Commission.

Respectfully submitted,



Margot Polivy  
RENOUF & POLIVY  
1532 Sixteenth Street, N.W.  
Washington, D.C. 20036  
202.265.1807

27 November 1991

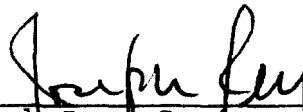
SUPPLEMENT TO RAINBOW APPLICATION FOR EXTENSION  
OF BROADCAST CONSTRUCTION PERMIT

On June 25, 1991, Rainbow Broadcasting Company, permittee of Station WRBW, Channel 65, Orlando, Florida filed the above titled application, File No. BMPCT-910625KP. At the time that still pending application was filed, Rainbow reported that construction had not commenced. The purpose of this supplement is to update the status of construction.

In July 1991, Rainbow undertook the construction of a transmitter building at its transmitter/antenna location. That construction, at a cost of approximately \$60,000, was completed early this month. With the completion of the building to house the transmitter, Rainbow is actively engaged in final equipment selection. The equipment bids are being accepted on the full RF plans.

It is anticipated that equipment contracts will be let in early 1992 and that the station will be operational by December 1992.

This statement is true and correct to the best of my knowledge and belief and is made under penalty of perjury.

  
\_\_\_\_\_  
Joseph Rey Partner  
Rainbow Broadcasting Company

Date: 11/25/91

UNITED STATES OF AMERICA  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

File No.(s): BTCCT-911129KT

Class of station(s): Commercial TV

<input type="checkbox"/> CONSENT TO ASSIGNMENT: <input checked="" type="checkbox"/> CONSENT TO TRANSFER CONTROL: <input type="checkbox"/> CONSENT TO TRANSFER STOCK: Whereby of Control by is effected.	FROM  Rainbow Broadcasting Company
	TO  Rainbow Broadcasting, LTD.
Licensee/Permittee: (for transfer only)  Rainbow Broadcasting Company	

CALL SIGN(s)                      STATION LOCATION(s)                      AUXILIARY STATION(s) (for assignments only)

WRBW (TV)                      Orlando, FL

Under authority of the Communications Act of 1934, as amended, the consent of the Federal Communications Commission is hereby granted to the transaction indicated above.

The Commission's consent to the above is based on the representations made by the applicants that the statements contained in, or made in connection with, the application are true and that the undertakings of the parties upon which this transaction is authorized will be carried out in good faith.

The actual consummation of voluntary transactions shall be completed within 60 days from the date hereof, and notice in letter form thereof shall promptly be furnished the Commission by the buyer showing the date the acts necessary to effect the transaction were completed. Upon furnishing the Commission with such written notice, this transaction will be considered completed for all purposes related to the above described station(s).

FCC Form 323 (Ownership Report), must be filed within 30 days after consummation, by the licensee/permittee or assignee.

ADDITIONAL REQUIREMENTS FOR ASSIGNMENTS ONLY:

Upon consummation the assignor must deliver the permit/license, including any modifications thereof to the assignee.

It is hereby directed that, upon consummation, a copy of this consent be posted with the station authorization(s) as required by the Commission's Rules and Regulations.

The assignee is not authorized to construct nor operate said station(s) unless and until notification of consummation in letter form has been forwarded to the Commission.

Dated: July 30, 1993  
rll Issued: 8-18-93

FEDERAL  
COMMUNICATIONS  
COMMISSION



FCC 732  
March 1983

UNITED STATES OF AMERICA  
FEDERAL COMMUNICATIONS COMMISSION

File No. BMPCT-910125KE

Call Sign WRBW(TV)

Modification No.

MODIFICATION OF CONSTRUCTION PERMIT

Commercial Television

(Class of station)

Rainbow Broadcasting Company  
151 Crando Boulevard  
Apartment 110  
Key Biscayne, Florida 33149

Permittee: Rainbow Broadcasting Company

Station location: Orlando, Florida

Associated Broadcast station: N/A

The Authority Contained in Authorization File No. (BPCT-820909KF/BPCT-880711KE)  
dated October 11, 1985 granted to the Permittee listed above is hereby modified in part as follows:

Authority to extend completion date to: August 5, 1991.

This modification of construction permit shall be attached to and be made a part of the construction permit of this station.

Except as herein expressly modified, the above-mentioned construction permit, subject to all modifications heretofore granted by the Commission, is to continue in full force and effect in accordance with the terms and conditions thereof and for the period therein specified.

Dated: February 5, 1991

meh

Issued: 02-12-91

FEDERAL  
COMMUNICATIONS  
COMMISSION



FCC Form 361  
October 1978

F. C. C. - WASHINGTON, D. C.

DUPLICATE

FEDERAL COMMUNICATIONS COMMISSION  
**FEE PROCESSING FORM**

FOR  
FCC  
USE  
ONLY

FCC/MELLON JAN 25 1991

01-25-91 165122 304

Please read instructions on back of this form before completing it. Section I MUST be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

**SECTION I**

APPLICANT NAME (Last, first, middle initial)

*RAINBOW BROADCASTING COMPANY*

MAILING ADDRESS (Line 1) (Maximum 35 characters - refer to Instruction (2) on reverse of form)

*151 Crandon Blvd.*

MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)

*APT. 110*

CITY

*Key Biscayne*

STATE OR COUNTRY (if foreign address)

*FL.*

ZIP CODE

*33149*

CALL SIGN OR OTHER FCC IDENTIFIER (if applicable)

*WRBW (TV)*

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

(A)	(B)	(C)	
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(1) <i>M K T</i>	<i>1</i>	<i>\$ 200.</i>	

**SECTION II** — To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)	(B)	(C)	
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(2) <input type="text"/>	<input type="text"/>	<input type="text"/>	
(3) <input type="text"/>	<input type="text"/>	<input type="text"/>	
(4) <input type="text"/>	<input type="text"/>	<input type="text"/>	
(5) <input type="text"/>	<input type="text"/>	<input type="text"/>	

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING
<i>\$ 200.00</i>

FOR FCC USE ONLY
<i>200.00</i>

## INSTRUCTIONS FOR COMPLETING FEE PROCESSING FORM, FCC FORM 155, May 1990

- (1) **"Applicant Name"** - Enter the name (last, first, middle initial) of the applicant as it appears on the original application or filing being submitted with this Fee Processing Form. If company, enter name which is used commercially.
- (2) **"Mailing Address (Line 1)"** - Enter the street address or post office box number to which the applicant wishes correspondence sent.
- (3) **"Mailing Address (Line 2)"** - This line may be used for further identification of the address if additional space is required.
- (4) **"City"** - Enter the name of the city associated with the given street address.
- (5) **"State or Country"** - Enter the appropriate two-digit state abbreviation as prescribed by the U.S. Postal Service. If address is foreign, enter the appropriate country name here.
- (6) **"ZIP Code"** - Enter the appropriate five or nine-digit ZIP code prescribed by the U.S. Postal Service.
- (7) **"Call Sign or Other FCC Identifier"** - Enter an applicable call sign or unique FCC identifier, if any, as shown on your attached application or filing. If applying for a service affecting more than one call sign, enter one call sign only.
- (8) **Column (A), "Fee Type Code"** - Enter correct Fee Type Code(s) from the appropriate Fee Filing Guide. Only one Fee Processing Form may be submitted per application or filing. Inaccurate or erroneous Fee Type Codes may result in your application or filing being returned to you without further processing.
- (9) **Column (B), "Fee Multiple"** - Certain applications and filings may request action with respect to more than one station, license, frequency, or party and can be submitted together with one check if they meet specific conditions. This column is used only if a multiple, i.e., two or more, is being applied for. Examples of when this would be used are renewing more than one call sign, frequency, station, or the transfer of control of more than one station. Refer to the appropriate Fee Filing Guide for additional information.
- (10) **Column (C), "Fee Due For Fee Type Code in Column (A)"** - Enter in this block the amount of the fee associated with the Fee Type Code shown in Column (A) (times (x) the fee multiple, if required).
- (11) **"Total Amount Remitted With This Application or Filing"** - Enter the total of lines (1) through (5) of Column (C). This amount should equal the amount of your check or money order. We will not accept multiple checks.

### HOW TO SUBMIT APPLICATIONS AND FILINGS

- o Each application or filing should be assembled with the Fee Processing Form stapled to the top of the application with the check placed on top of the Fee Processing Form. DO NOT STAPLE THE CHECK TO THE APPLICATION OR FEE PROCESSING FORM. Required copies of applications should be clearly identified as "duplicate copy" and placed behind the original package. A copy of an application or filing submitted for receipt purposes only should be placed at the bottom of the submission. Extraneous material and extra copies should be avoided at all times. Failure to abide by these instructions will delay the processing of your submission.
- o Completed applications or filings should be mailed to the proper address shown in the Fee Filing Guide for the particular service for which you are applying or making a filing. Applications and filings which are properly addressed to the appropriate P.O. box number may also be hand delivered to the following address. Applications received before midnight on a normal business day will receive that day's date as the receipt date. Deliveries made after midnight on Fridays will not be "officially" receipted until the next Monday. Applications received on weekends and government holidays are dated the next regular business day.

Federal Communications Commission  
c/o Mellon Bank  
Three Mellon Bank Center  
525 William Penn Way  
27th Floor, Rm. 153-2713  
Pittsburgh, Pennsylvania  
(Attention: Wholesale Lockbox Shift Supervisor)

- o A single check, bank draft or money order made payable to the Federal Communications Commission and denominated in U.S. dollars and drawn upon a U.S. financial institution must be included with each application or filing requiring a fee. No postdated, altered or third-party checks will be accepted. Do not send cash.
- o Parties hand delivering applications or filings may receive dated receipt copies by presenting copies of the applications or filings to the acceptance clerk at the time of delivery. Receipts will be provided for mail-in applications or filings if an extra copy of the application or filing is provided along with a self-addressed stamped envelope. Only one piece of paper per application or filing will be stamped for receipt purposes.

### REMEMBER

- o A separate completed Fee Processing Form is required with each application or filing except in certain circumstances. Please refer to the appropriate Fee Filing Guide for additional information.
- o A wrong Fee Type Code or incorrect remittance may result in your application or filing being returned without processing, or result in the dismissal of your application or filing. Please ensure that FEE TYPE CODES are correct and that your check or money order equals the amount shown in the TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING block before submitting your application or filing.
- o If you have any questions completing this form, please call the Fees Hotline, 202/632-FEES.

### FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 1, Subpart G of the Commission's rules authorize the FCC to request the information on this form. The information requested is required in order to obtain a license or authorization from the Commission. The purpose of the information is to provide a means to link a fee payment to a specific invoice, application or filing. The information will be used by the Commission to maintain data concerning fees paid to the Commission, for internal financial control, audit, and reporting purposes. Information requested on this form will be available to the public. Your response is required to obtain a license or other authorization from the Commission.

Public reporting burden for this collection of information is estimated to average 10 minutes per response, including the time for reviewing instructions, searching data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Federal Communications Commission, Office of Managing Director, Washington, DC 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0440), Washington, DC 20503.

# ORIGINAL

Federal Communications Commission  
Washington, D.C. 20554

FCC 307

Approved by OMB  
3060-0407  
Expires 3/31/91

**APPLICATION FOR EXTENSION OF BROADCAST CONSTRUCTION  
PERMIT OR TO REPLACE EXPIRED CONSTRUCTION PERMIT**

(CAREFULLY READ INSTRUCTIONS ON BACK BEFORE COMPLETING)

For Commission Use Only

File No. BPCT-900125KE

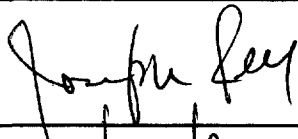
1. Legal Name of Applicant (See Instruction C)  RAINBOW BROADCASTING COMPANY		3. PURPOSE OF APPLICATION: <input checked="" type="checkbox"/> a. Additional time to construct broadcast station <input type="checkbox"/> b. Construction permit to replace expired permit	
2. Mailing Address (Number, street, city, state, ZIP code) 151 Crandon Boulevard Apartment 110 Key Biscayne, Florida 33149		4. IDENTIFICATION OF OUTSTANDING CONSTRUCTION PERMIT: File Number BPCT820809KF Frequency UHF Call Letters WRBW Channel No. 65 Station Location Orlando, FL	
Telephone No. (Include Area Code) (305) 361-8223			
5. OTHER: Submit as Exhibit No. _____ a list of the file numbers of pending applications concerning this station, e.g., major or minor modifications, assignments, etc. <u>N/A</u>			
EXTENT OF CONSTRUCTION: <input checked="" type="checkbox"/> Has equipment been delivered? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If NO, answer the following: From Whom Ordered (If no order has been placed, so indicate) <u>No order has been placed</u>			
Date Ordered		Date Delivery Promised	
		(b) Has installation commenced? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If YES, submit as Exhibit No. _____ a description of the extent of installation and the date installation commenced.	
		(c) Estimated date by which construction can be completed. <u>12/31/92</u>	
7. (a) If application is for extension of construction permit, submit as Exhibit No. <u>1</u> reason(s) why construction has not been completed.  (b) If application is to replace an expired construction permit, submit as Exhibit No. _____ the reason for not submitting a timely extension application, together with the reason(s) why construction was not completed during the period specified in the construction permit or subsequent extension(s).			
8. Are the representations contained in the application for construction permit still true and correct? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If NO, give particulars in Exhibit No. _____			

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

**CERTIFICATION**

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Legal Name of Applicant  Rainbow Broadcasting Company	Signature 
Title Partner	Date 1/22/91

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT,  
U.S. CODE, TITLE 18, SECTION 1001.

FCC 307  
June 1988

## INSTRUCTIONS

- A. This form is to be used in all cases when applying for additional time to construct a broadcast station or when applying for a construction permit to replace an expired permit. See 47 Code of Federal Regulations (C.F.R.) Sections 73.3534 and 73.3598.
- B. Prepare an original and one copy of this form and all exhibits. Number exhibits serially in the space provided in the body of the form. This application and all required exhibits should be filed with the FCC's Washington, D.C. office in accordance with 47 C.F.R. Section 0.401.
- C. The name of the applicant must be stated exactly as it appears on the construction permit or on the expired construction permit.
- D. This application shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; by a member who is an officer, if the applicant is an unincorporated association; by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction, if the applicant is an eligible government entity; or by the applicant's attorney in case of the applicant's physical disability or of his/her absence from the United States. The attorney shall, in the event he/she signs for the applicant, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than knowledge), he/she shall separately set forth reasons for believing that such statements are true.
- E. Completion of construction includes the time required for testing and filing an appropriate broadcast station license application.
- F. Applicants must explain fully: status of construction; reasons for delays in commencement or completion of construction; and detailed steps being taken to remedy delays.
- G. Filing date is determined by date application is received in FCC.
- H. **BE SURE ALL NECESSARY INFORMATION IS FURNISHED AND ALL PARAGRAPHS ARE FULLY ANSWERED. IF ANY PORTIONS OF THE APPLICATION ARE NOT APPLICABLE SPECIFICALLY SO STATE. DEFECTIVE OR INCOMPLETE APPLICATIONS MAY BE RETURNED WITHOUT CONSIDERATION.**

### **FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT**

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, engineers, communications industry analysts and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authorization.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552(a)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.



## RAINBOW BROADCASTING COMPANY EXHIBIT 1

The application of Rainbow Broadcasting Company for construction permit for Channel 65, Orlando, Florida was granted by Commission Order, FCC 35-558, released October 18, 1935. By that Order the Commission denied applications for review of a Review Board Decision, FCC 84R-85, released December 3, 1984, granting Rainbow's application. The Commission's decision was appealed to the United States Court of Appeals for the District of Columbia Circuit (Case No. 85-1755). After submission of briefs but before oral argument, the Commission requested that the Court return the proceeding to the agency. Upon remand (by order of November 5, 1986), the Commission determined that "this licensing proceeding would be held in abeyance pending the outcome of the FCC's proceeding in MM Docket No. 85-484." (Commission Report to the Court, dated February 29, 1988).

Technically, Rainbow did not have a construction permit from November 1986 until June 9, 1988, when the proceeding was ordered returned to the Court of Appeals. The case was decided by the Court on April 21, 1989 and the grant to Rainbow again affirmed. However, on September 20, 1989, Metro Broadcasting, Inc., one of the competing applicants, filed a petition for writ of certiorari with the United States Supreme Court. The Supreme Court granted certiorari and the case was argued on March 28, 1990. By Decision

issued June 29, 1990, the Supreme Court affirmed the grant. By Order of August 30, 1990, the Supreme Court denied a request for rehearing.

Upon denial of rehearing by the Supreme Court, Rainbow engaged engineering services to undertake construction of the station. Actual construction has been delayed by a dispute with the tower owner which is the subject of legal action in the United States District Court for the Southern District of Florida (Case No. 90-2554 CIV MARCUS). A Motion for Preliminary Injunction was heard on January 11, 14 and 16, 1991 and is scheduled to conclude on January 23, 1991, with a decision anticipated shortly thereafter.

Rainbow anticipates that its exclusive right to the use of the tower aperture will be recognized by the District Court. Rainbow is ready, willing and able to proceed with construction upon a ruling from the District Court and anticipates completion of construction within 24 months of a favorable Court action.

Pursuant to Rule 73.3534, Rainbow seeks leave to file this request less than 30 days prior to expiration of its construction permit because the preliminary injunction hearing regarding use of its antenna site was originally scheduled for December 22, 1990, but was postponed until

January 11, 1991. Rainbow had expected to be able to report the result of that hearing to the Commission at the time it filed its request for extension. In view of the fact that it is now anticipated that the decision of the District Court will not be forthcoming prior to January 31, 1991, Rainbow is submitting this request less than 30 days prior to the expiration of its permit.

Approved by OMB  
3060-0440  
Expires 12/31/90

**ORIGINAL**  
FEDERAL COMMUNICATIONS COMMISSION  
**FEE PROCESSING FORM**

FOR  
FCC  
USE  
ONL

**FCC/MELLON JUN 25 1991**

06-26-91 8165485 001

Please read instructions on back of this form before completing it. Section I MUST be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

**SECTION I**

APPLICANT NAME (Last, first, middle initial)

RAINBOW BROADCASTING COMPANY

MAILING ADDRESS (Line 1) (Maximum 35 characters - refer to Instruction (2) on reverse of form)

151 Crandon Boulevard, Apartment 110

MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)

CITY

Key Biscayne

STATE OR COUNTRY (if foreign address)

Florida

ZIP CODE

33149

CALL SIGN OR OTHER FCC IDENTIFIER (if applicable)

BPCT820809KF

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

(A)

(B)

(C)

FEE TYPE CODE

FEE MULTIPLE  
(if required)

FEE DUE FOR FEE TYPE  
CODE IN COLUMN (A)

FOR FCC USE ONLY

(1)

M

K

T

\$

200.

**SECTION II**

— To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)

(B)

(C)

FEE TYPE CODE

FEE MULTIPLE  
(if required)

FEE DUE FOR FEE TYPE  
CODE IN COLUMN (A)

FOR FCC USE ONLY

(2)

(3)

(4)

(5)

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE.  
THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED  
WITH THIS APPLICATION  
OR FILING

\$ 200.

FOR FCC USE ONLY

200.00

Robin

## INSTRUCTIONS FOR COMPLETING FEE PROCESSING FORM, FCC FORM 155, May 1990

- (1) **"Applicant Name"** - Enter the name (last, first, middle initial) of the applicant as it appears on the original application or filing being submitted with this Fee Processing Form. If company, enter name which is used commercially.
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Federal Communications Commission  
c/o Mellon Bank  
Three Mellon Bank Center  
525 William Penn Way  
27th Floor, Rm. 153-2713  
Pittsburgh, Pennsylvania  
(Attention: Wholesale Lockbox Shift Supervisor)

- o A single check, bank draft or money order made payable to the Federal Communications Commission and denominated in U.S. dollars and drawn upon a U.S. financial institution must be included with each application or filing requiring a fee. No postdated, altered or third-party checks will be accepted. Do not send cash.
- o Parties hand delivering applications or filings may receive dated receipt copies by presenting copies of the applications or filings to the acceptance clerk at the time of delivery. Receipts will be provided for mail-in applications or filings if an extra copy of the application or filing is provided along with a self-addressed stamped envelope. Only one piece of paper per application or filing will be stamped for receipt purposes.

### REMEMBER

- o A separate completed Fee Processing Form is required with each application or filing except in certain circumstances. Please refer to the appropriate Fee Filing Guide for additional information.
- o A wrong Fee Type Code or incorrect remittance may result in your application or filing being returned without processing, or result in the dismissal of your application or filing. Please ensure that FEE TYPE CODES are correct and that your check or money order equals the amount shown in the TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING block before submitting your application or filing.
- o If you have any questions completing this form, please call the Fees Hotline, 202/632-FEES.

### FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 1, Subpart G of the Commission's rules authorize the FCC to request the information on this form. The information requested is required in order to obtain a license or authorization from the Commission. The purpose of the information is to provide a means to link a fee payment to a specific invoice, application or filing. The information will be used by the Commission to maintain data concerning fees paid to the Commission, for internal financial control, audit, and reporting purposes. Information requested on this form will be available to the public. Your response is required to obtain a license or other authorization from the Commission.

Public reporting burden for this collection of information is estimated to average 10 minutes per response, including the time for reviewing instructions, searching data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Federal Communications Commission, Office of Managing Director, Washington, DC 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0440), Washington, DC 20503.

## RAINBOW BROADCASTING COMPANY EXHIBIT 1

The application of Rainbow Broadcasting Company for construction permit for Channel 65, Orlando, Florida was granted by Commission Order, FCC 85-558, released October 18, 1985. By that Order the Commission denied applications for review of a Review Board Decision, FCC 84R-85, released December 3, 1984, granting Rainbow's application. The Commission's decision was appealed to the United States Court of Appeals for the District of Columbia Circuit (Case No. 85-1755). After submission of briefs but before oral argument, the Commission requested that the Court return the proceeding to the agency. Upon remand (by order of November 5, 1986), the Commission determined that "this licensing proceeding would be held in abeyance pending the outcome of the FCC's proceeding in MM Docket No. 85-484." (Commission Report to the Court, dated February 28, 1988).

Technically, Rainbow did not have a construction permit from November 1986 until June 9, 1988, when the proceeding was ordered returned to the Court of Appeals. The case was decided by the Court on April 21, 1989 and the grant to Rainbow again affirmed. However, on September 20, 1989, Metro Broadcasting, Inc., one of the competing applicants, filed a petition for writ of certiorari with the United States Supreme Court. The Supreme Court granted certiorari

and the case was argued on March 28, 1990. By Decision issued June 29, 1990, the Supreme Court affirmed the grant. By Order of August 30, 1990, the Supreme Court denied a request for rehearing.

Upon denial of rehearing by the Supreme Court, Rainbow engaged engineering services to undertake construction of the station. Actual construction has been delayed by a dispute with the tower owner which is the subject of legal action in the United States District Court for the Southern District of Florida (Case No. 90-2554 CIV MARCUS). A motion for preliminary injunction was denied by the court on June 6, 1991.

Immediately upon denial of the preliminary injunction request, Rainbow notified the tower owner of its intention to commence construction (a copy of the letter to Guy Gannet Tower Co. is appended hereto) and requested that the lease provisions regarding construction bids be effectuated. In addition, Rainbow has initiated discussions with equipment manufacturers regarding construction specifications and intends to place its equipment order as soon as the building construction schedule is finalized.

Rainbow will commence operation prior to December 31, 1992, as it previously informed the Commission.

Rainbow Broadcasting Co.  
c/o Joseph Rey  
151 Crandon Blvd., #110  
Key Biscayne, Florida 33149

Mr. James E. Baker  
Gannett Tower Company  
c/o Guy Gannett Publishing Co.  
390 Congress Street  
Portland, Maine 04104

June 18, 1991

RE: Rainbow Broadcasting Co./Bithlo Tower Co.  
Lease Agreement

Dear Mr. Baker:

On August 10, 1990 Rainbow sent Mr. Richard Edwards proposed plans and designated the architect and contractors of its choice as per the lease agreement for the purpose of commencing the construction of the transmitter building addition.

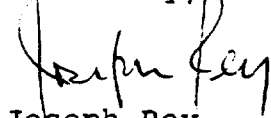
Subsequently, in a letter dated August 20, 1990, we were informed by Mr. Edwards that Gannett had already (in June of 1990), without our knowledge, proceeded to have plans prepared by Miorelli Engineering of Melbourne who is also a general contractor. On September 13, 1990 Mr. Holland and I met with Mr. Edwards at his office and it was agreed that Mr. Edwards would supply Rainbow with a detailed bid based on Gannett's proposed plans so that Rainbow could analyze and determine whether it would select Gannett's proposed contractor or choose its own. We did not receive the Gannett bid and on November 5, 1990 Mr. Holland, on behalf of Rainbow, again requested the bid.

Since we cannot be delayed any further, Rainbow, pursuant to the lease, submits O. J. Jorgensen as the architect and proposes to choose the builder from the following:

Crown General Contractors  
Rodge Farrahi Construction  
L & J Construction  
Warren, Harding & Witt Construction

Please let us know no later than close of business Friday June 28, 1991 if any of Rainbow's proposed designees are not acceptable to Gannett.

Sincerely,



Joseph Rey,  
Partner

cc: Richard Edwards



APPLICATION FOR EXTENSION OF BROADCAST CONSTRUCTION  
PERMIT OR TO REPLACE EXPIRED CONSTRUCTION PERMIT  
(CAREFULLY READ INSTRUCTIONS ON BACK BEFORE COMPLETING)

For Commission Use Only

File No.

BMPC-910625KP

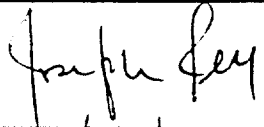
1. Legal Name of Applicant (See Instruction C)  RAINBOW BROADCASTING COMPANY		3. PURPOSE OF APPLICATION: <input checked="" type="checkbox"/> a. Additional time to construct broadcast station <input type="checkbox"/> b. Construction permit to replace expired permit	
2. Mailing Address (Number, street, city, state, ZIP code) 151 Crandon Boulevard Apartment 110 Key Biscayne, Florida 33149		4. IDENTIFICATION OF OUTSTANDING CONSTRUCTION PERMIT: File Number BPCT-820809KF Call Letters WRBW Frequency UHF Channel No. 65 Station Location Orlando, Florida	
Telephone No. (Include Area Code) (305) 361-8223			
5. OTHER: Submit as Exhibit No. _____ a list of the file numbers of pending applications concerning this station, e.g., major or minor modifications, assignments, etc. N/A			
6. EXTENT OF CONSTRUCTION: (a) Has equipment been delivered? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If YES, answer the following: From Whom Ordered (If no order has been placed, so indicate) No order has been placed Date Ordered _____ Date Delivery Promised _____ (b) Has installation commenced? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If YES, submit as Exhibit No. _____ a description of the extent of installation and the date installation commenced. (c) Estimated date by which construction can be completed. 12/31/92			
7. (a) If application is for extension of construction permit, submit as Exhibit No. <u>1</u> reason(s) why construction has not been completed.  (b) If application is to replace an expired construction permit, submit as Exhibit No. _____ the reason for not submitting a timely extension application, together with the reason(s) why construction was not completed during the period specified in the construction permit or subsequent extension(s).			
8. Are the representations contained in the application for construction permit still true and correct? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If YES, give particulars in Exhibit No. _____			

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Legal Name of Applicant  Rainbow Broadcasting Company	Signature 
Title Partner	Date 6/21/91

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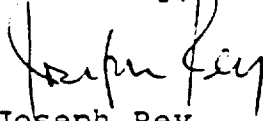
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Sincerely,

  
Joseph Rey,  
Partner

cc: Richard Edwards



JOSEPH C. REY

June 21 1991

272

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680

PAY TO THE  
ORDER OF

F.C.C.

\$ 200.00/100

Two hundred

00/100

DOLLARS



Sun Bank/Miami, N.A.  
Sun Center Office 189  
777 Brickell Avenue  
Miami, Florida 33131

ALL-IN-ONE

MEMO Rainbow B. Co / 307

Joseph Rey

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